



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 14, 1998

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR98-3084

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120444.


The City of Houston received a request for "[a] copy of the request from Oliver Spellman to Anthony Hall for a legal opinion regarding the validity of the copyright for Houston Industries Power of Houston Skypower II." You submit a copy of a document as responsive to the request, but seek to withhold portions of it under section 552.107(1) of the Government Code.

Section 552.107(1) protects information "that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct." *See* Open Records Decision No. 574 (1990). In instances where an attorney represents a governmental entity, the attorney-client privilege protects an attorney's legal advice and confidential attorney-client communications. *Id.*

You advise that the document at issue "is a request from the Director of the Department of Parks & Recreation to the City Attorney requesting legal advice" and contend that "the client's concerns as expressed in the highlighted portions of the memorandum are protected as a confidential communication about a specific issue of concern to the client." We have reviewed the document at issue. We conclude that you may withhold under section 552.107(1) the portions of the document you have highlighted. The remaining portions of the document must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "William Walker", with a long horizontal flourish extending to the right.

William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 120444

Enclosure: Submitted document

cc: Ms. Leigh Hopper
Houston Chronicle
P.O. Box 4280
Houston, Texas 77210
(w/o enclosure)